

AUG 31 2005

Before the  
Federal Communications Commission  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

In the Matter of	)	<b>MB Docket No. 04-191</b>
	)	
<b>San Francisco Unified School District</b>	)	
	)	
For Renewal of License for Station KALW(FM),	)	Facility ID No. 58830
San Francisco, California	)	File No. BRED-19970801YA

To: Office of the Secretary, to forward to:

Chief Administrative Law Judge Richard L. Sippel

**STIPULATIONS**

A. Background

By *Order*, FCC 04M-31 (released Oct. 8, 2004), the Presiding Administrative Law Judge granted in part and denied in part the Motion to Enlarge Issues submitted by the San Francisco Unified School District ("SFUSD") to add the following issue: "To determine whether station KALW(FM) has provided meritorious service during the license period justifying renewal of SFUSD's license." The *Order* provided that "SFUSD will be permitted to introduce evidence on meritorious service. But such evidence will be limited in scope to one year of programming prior to the filing of the petition to deny (**November 3, 1996 to November 3, 1997**), and one year of programming prior to release of the *HDO* (**July 16, 2003 to July 16, 2004**)."

In support of this issue, the following SFUSD exhibits were admitted into the record of this proceeding: SFUSD Exhibit Nos. 1T [Direct Testimony of Jeffrey P. Ramirez]; 3T [Direct Testimony of Margaret Ann "Nicole" Sawaya]; 5T [Direct Testimony of Alan Farley]; 6T [Direct Testimony of Lorna Ho]; 3 [KALW Program

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Guides from 11/3/96 to 11/3/97]; 49 [List of programs produced or co-produced by Alan Farley]; 50 [Declaration of Esther Casco re: Board Meetings program]; 51 [Declaration of John Covell re: City Visions program]; 52 [Declaration of Rose Levinson re: City Visions program]; 53 [Declaration of Ricardo Esway re: Commonwealth Club program]; 54 [Declaration of Martin Nemko re: School & Career Talk With Marty Nemko program]; 55 [Declaration of Chuck Finney re: Your Legal Rights program]; 56 [Declaration of Joann Mar re: Folk Music & Beyond program]; 57 [Declaration of Henri-Pierre Koubaka re: Kumpo Beat program]; 58 [Declaration of Mark Naftalin re: Mark Naftalin's Blues Power Hour program]; 59 [Declaration of Kevin Vance re: Patchwork Quilt program]; 60 [Declaration of Dore Steinberg re: Tangents program]; 61 [Declaration of Paul Linde re Health, Mind & Body program]; 62 [Declaration of Jonathan Heuer re: The Human Chorus program]; 63 [Declaration of Roman Mars re: Invisible Ink program]; 64 [Declaration of Dana Rodriguez re: Minds Over Matter program and The Blues program]; 65 [Declaration of Ben Manilla re: Philosophy Talk program]; 66 [Declaration of Holly Kernan re: Up Front program]; 67 [Declaration of Neal Sofman re: Writer's Voice Radio program]; 68 [Declaration of Matthew Martin re: Your Call program]; 69 [Declaration of Peter Thompson re: Bluegrass Signal program]; 70 [Declaration of Sarah Cahill re: Then & Now program]; 71 [Public Witness Testimony]; 72 [Board of Education's Resolution No. 54-26A11 Adopted 4/26/05 titled Commending the Informational and Educational Broadcast Service provided by KALW(FM)]; and 73 [Letters and E-mails from Listeners].

In addition, the Presiding ALJ provided that public comments submitted directly to the FCC relating to KALW's meritorious service may be offered into the record as

admissible evidence. The Enforcement Bureau ("EB") forwarded to counsel for SFUSD comments received by the FCC that can be described as extolling the programming of KALW and the station's contribution to the San Francisco community, and/or which urge the Commission to renew the KALW license. SFUSD has proffered the public comments in support of KALW as SFUSD Proposed Exhibit No. 79. In anticipation of these Stipulations, EB has requested extensions of time to respond to SFUSD's motion to admit Exhibit No. 79 into the record.

B. Stipulations

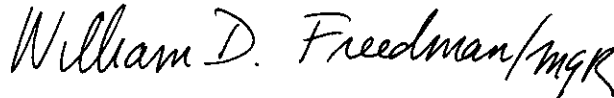
1. SFUSD and EB stipulate that SFUSD Proposed Exhibit No. 79 contains several hundred public comments extolling the programming of KALW and the station's contribution to the San Francisco community, and/or which urge the Commission to renew the KALW license. EB and SFUSD stipulate that those portions of SFUSD Proposed Exhibit No. 79 which identify the commenting individual or entity, which relate to the meritorious service issue in this proceeding, which are not duplicative, which were received by the Commission on or before June 30, 2005, and which meet the standards set forth in the Presiding ALJ's Order, FCC 05M-30 (rel. June 17, 2005), shall be received into evidence in this proceeding.

The parties were unable to reach agreement on the entry into the record of those public comments in SFUSD Proposed Exhibit No. 79 that are dated on or before June 30, 2005, but which were received by the Commission after June 30, 2005. EB opposes the receipt into the record of the public comments received by the Commission after June 30, 2005. SFUSD responds that public comments dated on or before June 30, 2005 should not be excluded merely because they were not received by the FCC until after that date.

Accordingly, SFUSD continues to move that all public comments received at the FCC and dated on or before June 30, 2005 should be included as part of SFUSD Proposed Exhibit No. 79.

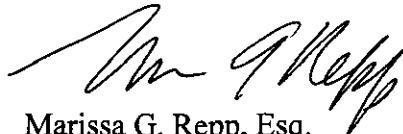
2. SFUSD and EB stipulate that the evidence in the record of this proceeding (with or without all portions of SFUSD Proposed Exhibit No. 79) establishes that KALW provided meritorious service during the periods of November 3, 1996 to November 3, 1997 and July 16, 2003 to July 16, 2004.

FEDERAL COMMUNICATIONS COMMISSION



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